

REMARKS

Favorable reconsideration, reexamination, and allowance of the present patent application are respectfully requested in view of the foregoing amendments and the following remarks. The foregoing amendments do not add new matter, as the product claims have merely be re-written to depend from the method claim 10. Entry and consideration thereof is respectfully requested.

Indication of Allowable Subject Matter

Applicants greatly appreciate the indication that claim 10 is free of the prior art. Applicants have addressed the only remaining rejection of claim 10 under 35 U.S.C. §112, 2nd paragraph below.

Rejection under 35 U.S.C. § 112, second paragraph

In the Office Action, beginning at page 2, Claims 1-3 and 5-10 were rejected under 35 U.S.C. § 112, second paragraph, as reciting subject matters that allegedly are indefinite, more specifically in the recitation of “wherein said γ -proteobacterium has an improved ability to produce a target substance synthesized via the tricarboxylic acid cycle as compared to a wild-type γ -proteobacterium. Applicant respectfully requests reconsideration of this rejection.

Although the product claim 1 has been incorporated into method claim 10 so that only method claims are now pending, the wording has been adjusted to address the rejection. Claim 10 now recites “a γ -proteobacterium wherein production of ArcA protein is reduced or eliminated, and wherein said γ -proteobacterium has an improved ability to produce a target substance synthesized via the tricarboxylic acid cycle as compared to a wild-type γ -proteobacterium”. Applicants assert that this wording clearly expresses that the “improved ability” occurs as a result of the production of the ArcA protein being reduced or eliminated, particularly since this is the only change that is set forth in the claim, and that the improved ability is to be measured against a “wild-type γ -proteobacterium.” It is the “said γ -proteobacterium” which has the improved ability, and clearly “said γ -proteobacterium” refers to the γ -proteobacterium having reduced or eliminated production of ArcA, not the γ -proteobacterium prior to this productin being

reduced or eliminated. Applicants assert that the claims are definite and clear in their meaning and intent.

For at least the foregoing reasons, Applicant respectfully submits that Claims 2-10 fully comply with 35 U.S.C. § 112, second paragraph, and therefore respectfully requests withdrawal of the rejection thereof under 35 U.S.C. § 112.

Rejections under 35 U.S.C. § 102(b)

In the Office Action, beginning at page 3, Claims 1-3 and 5-9 were rejected under 35 U.S.C. § 102(b), as reciting subject matters that allegedly are anticipated by Cotter et al., Iuchi et al., and Nystrom et al. Applicant respectfully requests reconsideration of these rejections.

Claim 1 has been cancelled and claims 2-3 and 5-9 have been re-written to depend from claim 10, which was not rejected over these references. As claim 10 was indicated as being free of the prior art in the previous office action, and all the remaining claims depend from claim 10, indication of the allowability of all the pending claims is respectfully requested.

Conclusion

For at least the foregoing reasons, Applicant respectfully submits that the present patent application is in condition for allowance. An early indication of the allowability of the present patent application is therefore respectfully solicited.

If Examiner Vogel believes that a telephone conference with the undersigned would expedite passage of the present patent application to issue, she is invited to call on the number below.

It is not believed that extensions of time are required, beyond those that may otherwise be provided for in accompanying documents. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a), and the undersigned respectfully authorizes that our deposit account 50-2821 be charged any required fees.

Respectfully submitted,

By:  _____

Shelly Guest Cermak
Registration No. 39,571

U.S. P.T.O. Customer No. 38108
Cermak & Kenealy, LLP
515 E. Braddock Road, Suite B
Alexandria, VA 22314
703.778.6608

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